

Board of Chiropractic Examiners

Unofficial Draft; Awaiting Posting in the Semiannual Index by the Secretary of State's Office.

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 7. BOARD OF CHIROPRACTIC EXAMINERS**

(Authority: A.R.S. § 32-904 et seq.)

*Editor's Note: All former rules renumbered, and a new Article 10 added (Supp. 85-5).***ARTICLE 1. DEFINITIONS; MEETINGS**

Section	
R4-7-101.	Definitions
R4-7-102.	Repealed
R4-7-103.	Renumbered
R4-7-104.	Meetings

ARTICLE 2. COMMITTEES

Section	
R4-7-201.	Formation
R4-7-202.	Powers and duties
R4-7-203.	Renumbered

ARTICLE 3. HEARINGS

Section	
R4-7-301.	Investigation of a Complaint
R4-7-302.	Service
R4-7-303.	Conduct of Hearing
R4-7-304.	Repealed
R4-7-305.	Rehearing or Review

ARTICLE 4. EXAMINATIONS

Section	
R4-7-401.	Repealed
R4-7-402.	Renumbered
R4-7-403.	Repealed
R4-7-404.	Investigations
R4-7-405.	Refusal to Issue Licenses
R4-7-406.	Repealed

ARTICLE 5. LICENSES

Section	
R4-7-501.	Display of Licenses
R4-7-502.	Procedures for Processing Initial License Applications
R4-7-503.	Renewal License: Issuance, Reinstatement
R4-7-504.	License: Denial
R4-7-505.	Renumbered

ARTICLE 6. ACUPUNCTURE CERTIFICATION

Section	
R4-7-601.	Definition of Acupuncture as Applied to Chiropractic
R4-7-602.	Repealed
R4-7-603.	Renumbered
R4-7-604.	Renumbered
R4-7-605.	Renumbered
R4-7-606.	Renumbered

ARTICLE 7. STANDARDS OF EDUCATION

Section	
R4-7-701.	Repealed
R4-7-702.	Educational Requirements for Licensure

ARTICLE 8. CONTINUING EDUCATION*New Article 8, consisting of Sections R4-7-801 through R4-7-803, adopted effective June 19, 1997 (Supp. 97-2).**Article 8, consisting of Sections R4-7-60 through R4-7-62, renumbered as Sections R4-7-801 through R4-7-803, effective September 27, 1985 (Supp. 85-5).**Article 8, consisting of Sections R4-7-60 through R4-7-63, repealed effective May 14, 1980 (Supp. 80-3).*

Section	
R4-7-801.	Continuing Education Requirements
R4-7-802.	Documenting Compliance with Continuing Education Requirements
R4-7-803.	Effect on Suspension of Continuing Education Requirements

ARTICLE 9. UNPROFESSIONAL CONDUCT

Section	
R4-7-901.	Advertising of a Deceptive and Misleading Nature
R4-7-902.	Unprofessional or Dishonorable Conduct

ARTICLE 10. PRECEPTORSHIP TRAINING PROGRAM*Former Sections R4-7-1001 through R4-7-1003 repealed by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2). New Sections R4-7-1001 through R4-7-1003 adopted by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2).**Article 10, consisting of Sections R4-7-1001 through R4-7-1003, adopted effective September 27, 1985.*

Section	
R4-7-1001.	Eligibility; Application
R4-7-1002.	Practice Limitations
R4-7-1003.	Regulation and Termination of the Preceptorship Program
Appendix A.	Repealed
Appendix B.	Repealed
Appendix C.	Repealed
Appendix D.	Repealed
Appendix E.	Repealed
Appendix F.	Repealed

ARTICLE 11. CHIROPRACTIC ASSISTANTS*Article 11, consisting of Sections R4-7-1101 through R4-7-1103, adopted effective December 18, 1992 (Supp. 92-4).*

Section	
R4-7-1101.	Use of the Term "Chiropractic Assistant"
R4-7-1102.	Chiropractic Assistant Training
R4-7-1103.	Scope of Practice

ARTICLE 12. EXPIRED*Article 12, consisting of Sections R4-7-1201 through R4-7-1204, expired under A.R.S. § 41-1056(E) at 12 A.A.R. 688, effective December 31, 2005 (Supp. 06-1).**Article 12, consisting of Sections R4-7-1201 through R4-7-1204, made by final rulemaking at 8 A.A.R. 259, effective December 17, 2001 (Supp. 01-4).*

Section	
R4-7-1201.	Expired
R4-7-1202.	Expired
R4-7-1203.	Expired
R4-7-1204.	Expired

ARTICLE 13. CHARGES*Article 13, consisting of Section R4-7-1301, adopted by final rulemaking at 5 A.A.R. 4532, effective November 9, 1999 (Supp. 99-4).*

Section

R4-7-1301. Additional Charges

ARTICLE 14. BUSINESS ENTITIES

Section

- R4-7-1401. Application for Business Entity; qualification of applicant; fee; background investigations
- R4-7-1402. Display of Registration
- R4-7-1403. Procedures for Processing Initial Registration Applications
- R4-7-1404. Business Entity Registration Renewal: Issuance, Reinstatement
- R4-7-1405. Business Entity Registration: Denial
- R4-7-1406. Reporting; Civil Penalty
- R4-7-1407. Licensed Doctors of Chiropractic and Business Entities, Unprofessional Conduct
- R4-7-1408. Exemptions
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ARTICLE 1. DEFINITIONS; MEETINGS**R4-7-101. Definitions**

In addition to the definitions in A.R.S. § 32-900, unless otherwise specified, the following terms have the following meanings:

1. "Adequate patient records" means legible chiropractic records containing, at the minimum, sufficient information to identify the patient and physician, support the diagnosis, identify the specific elements of the chiropractic service performed, indicate special circumstances or instruction provided to the patient, if any, identify a treatment plan, and provide sufficient information for another practitioner to assume continuity of patient care.
2. "Business day" means Monday through Friday, 8:00 a.m. to 5:00 p.m. except for state holidays.
3. "C.A." means a chiropractic assistant under A.R.S. § 32-900.
4. "Certification" means approval to practice chiropractic specialties under A.R.S. § 32-922.02.
5. "Chiropractor" means doctor of chiropractic or chiropractic physician pursuant to A.R.S. §§ 32-925(A), 32-926(A) and (B) and may be designated by the abbreviation "D.C."
6. "Controlled substance" means a drug or substance identified, defined, or listed in A.R.S. Title 36, Chapter 27, Article 2.
7. "Device" has the same meaning as prescribed in A.R.S. § 32-1901.
8. "Diagnosis" means the determination of the nature of a condition or illness under A.R.S. § 32-925(A) and (B).
9. "Dispense" means to deliver to an ultimate user under A.R.S. § 32-925(A) and (B).
10. "Extern" means a student of a Board-approved chiropractic college who participates in the preceptorship training program.
11. "License" means a document issued by the Board to practice chiropractic
12. "Non-prescription drug" or "over-the-counter drug" has the same meaning as prescribed in A.R.S. § 32-1901. Drug has the same meaning as prescribed in A.R.S. § 32-1901, but does not include those substances referenced in subsection (13).
13. "Nutrition" includes, but is not limited to, vitamins, minerals, water, enzymes, botanicals, homeopathic preparations, phytonutrients, glandular extracts, and natural hormones.
14. "Preceptor" means a supervising chiropractor approved by the Board to supervise a student in a Board approved preceptorship training program.
15. "Preceptorship training program" means a Board approved program by which a student may practice chiropractic under the supervision of a preceptor.
16. "Prescribe" means to order or recommend a treatment or device.
17. "Prescription drug" has the same meaning as prescribed in A.R.S. § 32-1901.
18. "Supervision" means a licensed chiropractor is present in the office, sees a patient, assigns the work to be done regarding the patient, and is available to check the work of the supervised individual as it progresses and the completed work.

Historical Note

Adopted effective December 31, 1975 (Supp. 75-2). Former Section R4-7-01 renumbered as Section R4-7-101 and amended effective September 27, 1985 (Supp. 85-5). Amended effective December 18, 1992 (Supp. 92-4). Amended effective July 6, 1993 (Supp. 93-3). Amended effective June 19, 1997 (Supp. 97-2). Amended by final rulemaking at 5 A.A.R. 998, effective March 16, 1999

(Supp. 99-1). Amended by final rulemaking at 14 A.A.R. 502, effective April 5, 2008 (Supp. 08-1).

R4-7-102. Repealed**Historical Note**

Adopted effective December 31, 1975 (Supp. 75-2). Former Section R4-7-02 renumbered as Section R4-7-102 without change effective September 27, 1985 (Supp. 85-5). Repealed effective July 6, 1993 (Supp. 93-3).

R4-7-103. Renumbered**Historical Note**

Former Section R4-7-03 renumbered as Section R4-7-103 effective September 27, 1985 (Supp. 85-5).

R4-7-104. Meetings

The Board shall hold its annual election of officers during its July meeting.

Historical Note

Former Article I, Rules 1, 2, and 3; Amended effective December 31, 1975 (Supp. 75-2). Former Section R4-7-04 renumbered as Section R4-7-104 without change effective September 27, 1985 (Supp. 85-5). Amended effective July 6, 1993 (Supp. 93-3).

ARTICLE 2. COMMITTEES**R4-7-201. Formation**

The Board may from time to time appoint such committees as it deems necessary or proper to assist it in carrying out its duties. Committees may be appointed for such periods of time as the Board designates.

Historical Note

Former Article II, Rule 1; Amended effective December 31, 1975 (Supp. 75-2). Former Section R4-7-10 renumbered as Section R4-7-201 without change effective September 27, 1985 (Supp. 85-5). Amended effective July 6, 1993 (Supp. 93-3).

R4-7-202. Powers and duties

Committees appointed by the Board shall make reports to the Board based on their findings or investigations and may make recommendations for further action by the Board.

Historical Note

Former Article II, Rule 2; Former Section R4-7-11 renumbered as Section R4-7-202 without change effective September 27, 1985 (Supp. 85-5).

R4-7-203. Renumbered**Historical Note**

Former Article II, Rule 3; Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-12 renumbered as Section R4-7-203 effective September 27, 1985 (Supp. 85-5).

ARTICLE 3. HEARINGS**R4-7-301. Investigation of a Complaint**

- A. The Board may investigate any complaint alleging violation of A.R.S. § 32-900 et seq. or this Chapter.
- B. A subpoena compelling the production of documentary evidence or testimony of a witness under A.R.S. § 32-929 shall

bear the seal of the Board and the signature of any member of the Board or the Board's executive director.

- C. If the Board finds probable cause that a licensee has violated A.R.S. § 32-900 et seq. or this Chapter, the Board shall notice the licensee of the time and place for a formal interview under A.R.S. Title 32, Chapter 8, Article 2, for a public hearing under A.R.S. Title 41, Chapter 6, Article 10.

Historical Note

Former Article III, Rule 1; Former Section R4-7-15 repealed, new Section R4-7-15 adopted effective December 31, 1975 (Supp. 75-2). Former Section R4-7-15 renumbered as Section R4-7-301 without change effective September 27, 1985 (Supp. 85-5). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended by final rulemaking at 7 A.A.R. 1539, effective March 13, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2).

R4-7-302. Service

- A. Service of any document, or a copy thereof, is deemed to have been made upon personal service or by enclosing a copy of the document in a sealed envelope and depositing the envelope as certified mail in the United States mail, with first-class postage prepaid, addressed to the party, at the address last provided to the Board.
- B. Service by mail is deemed complete five days following the day the paper to be served is deposited in the United States mail.
- C. In computing time, the date of mailing is not counted. All intermediate Sundays and holidays are counted but, if the last day falls on a Sunday or a holiday, that day is not counted and service is considered completed on the next business day.
- D. The Board shall mail each notice of formal interview or hearing and final decision by certified mail to the last known address reflected in the records of the Board.
- E. In addition to service of any pleading upon the Board or any member of the Board, a copy of the pleading shall also be served upon the Attorney General of this state.

Historical Note

Former Article III, Rule 2; Amended effective December 31, 1975 (Supp. 75-2). Former Section R4-7-16 renumbered as Section R4-7-302 without change effective September 27, 1985 (Supp. 85-5). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2).

R4-7-303. Conduct of Hearing or Formal Interview

- A. All hearings shall be conducted before the Board or a hearing officer pursuant to A.R.S. Title 41, Chapter 6, Article 10. All formal interviews shall be conducted before the Board pursuant to A.R.S. Title 32, Chapter 8, Article 2.
- Parties may stipulate to any facts that are not in dispute. Stipulations may be made in writing or orally by reading the stipulation into the record. A stipulation is binding upon the parties unless the Board grants permission to withdraw from the stipulation. The Board may set aside any stipulation and proceed to ascertain the facts.
 - The Board may, of its own motion or at request of any party, call a conference of the parties at the opening of any hearing or formal interview or at any subsequent time, for the purpose of clarifying the procedural steps to be followed in the proceeding, or the legal or factual issues involved.

- By order of the Board, proceedings involving a common question of law or fact may be consolidated for hearing or formal interview regarding any or all matters at issue.

- B. If a licensee fails to appear when noticed at any proceeding before the Board, the Board may act upon the available evidence and information without further notice to the licensee.

Historical Note

Former Article III, Rule 3; Former Section R4-7-17 repealed, new Section R4-7-17 adopted effective December 31, 1975 (Supp. 75-2). Former Section R4-7-17 renumbered as Section R4-7-303 without change effective September 27, 1985 (Supp. 85-5). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2).

R4-7-304. Repealed

Historical Note

Former Article III, Rule 4; Former Section R4-7-18 renumbered as Section R4-7-304 without change effective September 27, 1985 (Supp. 85-5). Section repealed effective July 6, 1993 (Supp. 93-3).

R4-7-305. Rehearing or Review

- A. Except as provided in subsection (G), any party in an appealable agency action or contested case before the Board aggrieved by a decision may file with the Board a written motion for rehearing or review specifying the particular grounds not later than 30 days after service of the final administrative decision.
- B. A party may amend a motion for rehearing or review no later than eight days prior to the date set for the Board to rule on the motion. A party may respond within 15 days after service of the motion or amended motion. The Board may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. The Board may grant a rehearing or review for any of the following causes materially affecting the moving party's rights:
- Irregularity in the administrative proceedings of the Board, its hearing officer, or the prevailing party, or any order or abuse of discretion that deprives the moving party of a fair hearing;
 - Misconduct of the Board, the hearing officer, or the prevailing party;
 - Accident or surprise that could not have been prevented by ordinary prudence;
 - Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing;
 - Excessive or insufficient penalties;
 - Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
 - That the decision is not justified by the evidence or is contrary to law.
- D. The Board may affirm or modify the decision or grant a rehearing or review to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify with particularity the grounds for the order.
- E. Not later than 10 days after the decision, the Board may, after serving each party with notice and an opportunity to be heard, order a rehearing or review of its decision for any reason for which it might have granted a rehearing or review on motion of a party. The Board may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the

order granting a rehearing or review shall specify the grounds on which it is granted.

- F.** When a motion for rehearing or review is based upon an affidavit, the affidavit shall be served with the motion. An opposing party may, within 10 days after service, serve an opposing affidavit. The Board may extend the period for serving an opposing affidavit for not more than 20 days for good cause shown or by written stipulation of the parties. The Board may permit a reply affidavit.
- G.** If the Board makes a specific finding that the immediate effectiveness of a particular decision is necessary for the preservation of the public peace, health, or safety and that a rehearing or review is impracticable, unnecessary, or contrary to the public interest, the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, an application for judicial review of the decision may be made within the time limits permitted for applications for judicial review of the Board's final decisions.

Historical Note

Adopted effective September 15, 1978 (Supp. 78-5). Former Section R4-7-19 renumbered as Section R4-7-305 without change effective September 27, 1985 (Supp. 85-5). Amended effective July 6, 1993 (Supp. 93-3). Amended effective June 23, 1997 (Supp. 97-2). Amended by final rulemaking at 7 A.A.R. 1539, effective March 13, 2001 (Supp. 01-1). Amended by final rulemaking at 13 A.A.R. 1846, effective July 10, 2007 (Supp. 07-2).

ARTICLE 4. EXAMINATIONS

R4-7-401. Repealed

Historical Note

Former Article IV, Rule 1 (in part); Amended effective December 31, 1975 (Supp. 75-2). Former Section R4-7-20 renumbered as Section R4-7-401 without change effective September 27, 1985 (Supp. 85-5). Repealed effective December 9, 1994 (Supp. 94-4).

R4-7-402. Renumbered

Historical Note

Former Article IV, Rule 1 (in part); Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-21 renumbered as Section R4-7-402 effective September 27, 1985 (Supp. 85-5).

R4-7-403. Repealed

Historical Note

Former Article IV, Rule 1 (in part); Amended effective December 31, 1975 (Supp. 75-2). Former Section R4-7-22 renumbered as Section R4-7-403 without change effective September 27, 1985 (Supp. 85-5). Repealed effective December 9, 1994 (Supp. 94-4).

R4-7-404. Investigations

The Board may require an applicant to appear and supply to the Board information or documents necessary to establish the qualifications of applicant.

Historical Note

Former Article IV, Rule 2; Former Section R4-7-23 renumbered as Section R4-7-404 without change effective September 27, 1985 (Supp. 85-5). Amended by final rulemaking at 7 A.A.R. 1539, effective March 13, 2001 (Supp. 01-1). Amended by final rulemaking at 18 A.A.R. 2552, effective November 19, 2012 (Supp. 12-3).

R4-7-405. Refusal to Issue Licenses

If the Board, after investigation of an applicant either before or after the applicant has taken the examination, determines that an applicant is not qualified to be issued a license, the Board shall notify applicant immediately of its decision to refuse to issue a license and the reasons therefore.

Historical Note

Former Article IV, Rule 3; Former Section R4-7-24 renumbered as Section R4-7-405 without change effective September 27, 1985 (Supp. 85-5). Amended effective December 9, 1994 (Supp. 94-4).

R4-7-406. Repealed

Historical Note

Former Article IV, Rule 4; Former Section R4-7-25 renumbered as Section R4-7-406 without change effective September 27, 1985 (Supp. 85-5). Repealed effective December 9, 1994 (Supp. 94-4).

ARTICLE 5. LICENSES

R4-7-501. Display of Licenses

A licensee shall, at all times, display the license issued to the licensee by the Board in a conspicuous place at all locations where the licensee engages in the practice of chiropractic, including mobile practices. A licensee shall, upon request of any person, produce for inspection the license renewal certificate for the current calendar year.

Historical Note

Former Article V, Rule 1; Former Section R4-7-30 renumbered as Section R4-7-501 without change effective September 27, 1985 (Supp. 85-5). Amended by final rulemaking at 7 A.A.R. 2821, effective June 12, 2001 (Supp. 01-2). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2).

R4-7-502. Procedures for Processing Initial License Applications

- A.** An applicant may obtain a license application package at the Board Office on business days, or by requesting that the Board mail the application to an address specified by the applicant. An applicant shall pay the Board a non-refundable \$10 fee for each license application package.
- B.** A completed license application package shall be submitted to the Board office on business days. The Board shall deem the license application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office;
- C.** To complete a license application package, an applicant shall provide the following information and documentation:
 1. Two identical photographs, measuring three inches by four inches, showing the applicant's full front face as the applicant will appear at the time of the examination and a description of identifying characteristics, if any;
 2. The applicant's full current name and any former names;
 3. The applicant's current home and all office addresses, current home and all office phone numbers, all current office fax numbers, and any previous home or office address or addresses for the past five years;
 4. The type of license, for which application is made;
 5. All fees required by A.R.S. §§ 32-921(D) and (E) and 32-922.02(E);
 6. A record of education requirements described in A.R.S. § 32-921(B) including the applicant's chiropractic college transcript and the applicant's certificate of attainment of passing scores for Parts I, II, III, and IV of the examina-

- tion conducted by the National Board of Chiropractic Examiners;
7. Any record of being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, and any record of an arrest, investigation, indictment, or charge within the last 12 months. The applicant shall submit any record of being refused a license to practice chiropractic or any other health care profession in this or any other state, and any record of a formal sanction taken against the applicant's license in this or any other state;
 8. A completed fingerprint card;
 9. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other health care profession with a verification of good standing for each current license or certification submitted directly by the licensing agency of the other state or jurisdiction;
 10. The name and professional designation of the owner or owners of the clinic or office at which the applicant will be employed, if applicable;
 11. The applicant's Social Security number;
 12. The applicant's notarized signature, attesting to the truthfulness of the information provided by the applicant;
 13. A score of 75% or higher on the Arizona Jurisprudence Examination. The applicant shall not sit for the Arizona Jurisprudence Examination until the application package is otherwise complete.
- D.** Within 25 business days of receiving a license application package, the Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing. If the Board does not provide notice to the applicant, the license application package shall be deemed complete after the passage of 25 business days.
- E.** An applicant with an incomplete license application package shall supply the missing information within 60 calendar days from the date of the notice. An applicant who is unable to supply the missing information within 60 calendar days may submit a written request to the Board for an extension of time in which to provide a complete application package. The request for an extension of time shall be submitted to the Board office before the 60-day deadline for submission of a complete application package, and shall state the reason that the applicant is unable to comply with the 60-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 60-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.
- F.** If an applicant fails to submit a complete license application package within the time permitted, the Board shall close the applicant's file and send a notice to the applicant by U.S. Mail that the application file has been closed. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
- G.** After receiving all missing information as specified in subsection (E), the Board shall notify the applicant that the license application package is complete.
- H.** The Board shall render a licensing decision no later than 120 business days after receiving a completed license application package. The Board shall deem a license application package to be complete on the postmarked date of the notice advising the applicant that the package is complete.
- I.** An applicant seeking initial licensure by reciprocity under A.R.S. § 32-922.01 shall submit an application to the Board and shall comply with all provisions of R4-7-502 except that the applicant is not required to submit proof of obtaining a passing score on Part IV of the examination conducted by the National Board of Chiropractic Examiners.
- J.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for initial licenses:
1. Administrative completeness review time-frame: 25 business days.
 2. Substantive review time-frame: 120 business days.
 3. Overall time-frame: 145 business days.
- Historical Note**
- Former Article V, Rule 2; Amended effective December 31, 1975 (Supp. 75-2). Former Section R4-7-31 renumbered as Section R4-7-502 without change effective September 27, 1985 (Supp. 85-5). Repealed effective July 6, 1993 (Supp. 93-3). Adopted effective November 1, 1998; filed in the Office of the Secretary of State October 22, 1998 (Supp. 98-4). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2).
- R4-7-503. Renewal License: Issuance, Reinstatement**
- A.** At least 30 days before a renewal application and renewal fee are due, the Executive Director of the Board shall send by first class mail to a licensee at the licensee's address of record, a renewal application and notice.
- B.** The licensee renewal application shall be returned to the Board office on a business day. The date of receipt shall be the postmarked date or the date the licensee hand delivers the license renewal application.
- C.** To complete a license renewal application, a licensee shall provide the following information and documentation:
1. The licensee's full name;
 2. The licensee's current home and office addresses, current home and all office phone numbers, and all current office fax numbers;
 3. The name and professional designation of the owner or owners of the clinic or office at which the licensee is employed;
 4. The licensee's Social Security number;
 5. A record of any professional disciplinary investigation or sanction taken against the licensee by a licensing board since the licensee last applied for renewal of a license in this or any other state;
 6. A record of any arrest, indictment or charge or any conviction or plea agreement for a misdemeanor or felony since the licensee last applied for renewal of the license;
 7. The renewal fee of \$170.00 required by A.R.S. § 32-923;
 8. Attestation of compliance with the continuing education requirements under A.R.S. § 32-931 and R4-7-801. The licensee shall attest to compliance with continuing education requirements by documenting, on the renewal form, the date or dates the continuing education course was attended, the number of hours of continuing education completed, the qualifying course topic or topics, and the name of the accredited college or university with whom the course instructor is affiliated with as faculty. If the course does not meet the requirements under A.R.S. § 32-931 and R4-7-801, but has been approved by the Board, the applicant shall provide the continuing education course approval number issued by the Board instead of the name of the affiliated college or university;
 9. The licensee's signature attesting to the truthfulness of the information provided by the licensee.

- D.** In accordance with A.R.S. § 32-923(C), the Board shall automatically suspend a license if the licensee does not submit a completed application for renewal before January 1 of each calendar year. The Board shall send written notice of the license suspension to the licensee on or before January 20.
- E.** The Board shall reinstate a suspended license if the licensee pays the annual license renewal fee, pays an additional fee of \$100 as required by A.R.S. § 32-923(D), and submits a completed license renewal application between January 1, and March 31 of the calendar year for which the license renewal is made.
- F.** On or after April 1 of the calendar year for which a license renewal application was to be made, an individual who wishes to have a suspended license reinstated shall apply for reinstatement in accordance with A.R.S. § 32-923(D).
- G.** An application for reinstatement of license may be obtained at the Board office on business days or by requesting that the Board mail one to an address specified by the applicant.
- H.** A completed application for reinstatement of a license shall be submitted to the Board office on a business day. The Board shall deem an application for reinstatement of a license received on the date that the Board stamps on the application as the date it is delivered to the Board office.
- I.** To complete an application for reinstatement of license, an applicant shall provide the following information and documentation:
1. The applicant's full current name, suspended license number, and certification number if a specialty certification was held by the licensee;
 2. The applicant's current home and all office addresses, current home and all office phone numbers, and all current office fax numbers;
 3. The name and professional designation of the owner or owners of the office or clinic at which the applicant will be employed;
 4. The applicant's Social Security number;
 5. A list of all other states or jurisdictions in which the applicant is or has been licensed or certified to practice chiropractic or any other health care profession with a verification of good standing for each current license or certification submitted directly by the licensing agency of the other states or jurisdictions;
 6. A list of required continuing education courses completed and certification of course completion;
 7. A record of any professional disciplinary investigation or sanction initiated since the applicant last applied to renew the license;
 8. A record of any arrest, indictment or charge or any conviction or plea agreement for a misdemeanor or a felony since the date of the applicant's last application for licensure;
 9. The applicant's notarized signature attesting to the truthfulness of the information provided by the applicant.
- J.** The Board shall process a license reinstatement application in accordance with R4-7-502(D) through (J). The Board shall deem the application received on the date that the Board stamps on the application as the date the application is delivered to the Board Office.
- K.** The Board shall reinstate or renew a license if:
1. The applicant or licensee has complied with the requirements of this Chapter and A.R.S. § 32-900 et seq.;
 2. The applicant or licensee has not had any professional disciplinary sanction taken against the applicant's or licensee's license by a licensing board since the last application for licensure;
 3. The applicant or licensee has not been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or a felony since the last application for licensure.
- L.** If the provisions of subsection (K) are satisfied, the Board shall issue a license renewal certificate on or before February 1, of each year. The license renewal certificate shall serve as notice that the renewal application is complete and approved.
- M.** If there is reason to believe that the provisions of subsection (K) have not been satisfied or that possible grounds for denying the renewal or reinstatement application exist, the Board shall notify the applicant of this possibility within 25 business days of the date that the application is received at the Board office.
- N.** An applicant who is so notified that renewal or reinstatement may be denied may provide a written response and shall submit any documentation as required through written notice by the Board within 60 calendar days from the date of the Board's notice. An applicant who is unable to supply the required documentation within 60 calendar days may submit a written request to the Board for an extension of time in which to provide the required documentation. The request for an extension of time shall be submitted to the Board office before the 60-day deadline for submission of the required documentation, and shall state the reason that the applicant is unable to comply with the 60-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 60-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.
- O.** If an applicant fails to submit required documentation within the time permitted, the Board shall issue a notice of intent to deny the renewal application or reinstatement application.
- P.** The Board shall make a licensing decision no later than 70 business days after receiving all required documentation as specified in subsection (N). The Board shall deem required documentation received on the date that the Board stamps on the documentation as the date the documentation is delivered to the Board's office.
- Q.** For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for renewal or reinstatement of licenses:
1. Administrative completeness review time-frame: 25 business days.
 2. Substantive review time-frame: 70 business days.
 3. Overall time-frame: 95 business days.

Historical Note

Former Article V, Rule 3; Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-32 renumbered as Section R4-7-503 effective September 27, 1985 (Supp. 85-5). Adopted effective November 1, 1998; filed in the Office of the Secretary of State October 22, 1998 (98-4). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2).

R4-7-504. License: Denial

If the Board denies a license, the Board shall send the applicant written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules;
2. The applicant's right to seek a fair hearing to challenge the denial;
3. The time periods for appealing the denial; and
4. The right to request an informal settlement conference with the Board's authorized agent.

Historical Note

Former Article V, Rule 4 (in part); Amended effective December 31, 1975 (Supp. 75-2). Former Section R4-7-33 renumbered as Section R4-7-504 without change effective September 27, 1985 (Supp. 85-5). Repealed effective July 6, 1993 (Supp. 93-3). Adopted effective November 1, 1998; filed in the Office of the Secretary of State October 22, 1998 (98-4). Amended by final rulemaking at 18 A.A.R. 2552, effective November 19, 2012 (Supp. 12-3).

R4-7-505. Renumbered**Historical Note**

Former Article V, Rule 4 (in part); Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-34 renumbered as Section R4-7-505 effective September 27, 1985 (Supp. 85-5).

ARTICLE 6. ACUPUNCTURE CERTIFICATION**R4-7-601. Definition of Acupuncture as Applied to Chiropractic**

- A. Acupuncture as applied to chiropractic is stimulation of a certain meridian point or points on or near the surface of the body to control and regulate the flow and balance of energy of the body.
- B. Acupuncture includes acupuncture by needle, electrical stimulation, ultrasound, acupuncture, laser, auricular therapy, or any implement that stimulates acupuncture points.
- C. Acupuncture does not include cupping, moxibustion, or cosmetic therapy.

Historical Note

Repealed effective December 31, 1975 (Supp. 75-2). New Section R4-7-40 adopted effective January 25, 1984 (Supp. 84-1). Former Section R4-7-40 renumbered as Section R4-7-601 without change effective September 27, 1985 (Supp. 85-5). Amended by final rulemaking at 7 A.A.R. 2821, effective June 12, 2001 (Supp. 01-2). Amended by final rulemaking at 18 A.A.R. 2552, effective November 19, 2012 (Supp. 12-3).

R4-7-602. Repealed**Historical Note**

Repealed effective December 31, 1975 (Supp. 75-2). New Section R4-7-41 adopted effective January 25, 1984 (Supp. 84-1). Former Section R4-7-41 renumbered as Section R4-7-602 without change effective September 27, 1985 (Supp. 85-5). Repealed effective December 9, 1994 (Supp. 94-4).

R4-7-603. Renumbered**Historical Note**

Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-42 renumbered as Section R4-7-603 effective September 27, 1985 (Supp. 85-5).

R4-7-604. Renumbered**Historical Note**

Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-43 renumbered as Section R4-7-604 effective September 27, 1985 (Supp. 85-5).

R4-7-605. Renumbered**Historical Note**

Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-44 renumbered as Section R4-7-605 effective September 27, 1985 (Supp. 85-5).

R4-7-606. Renumbered**Historical Note**

Repealed effective December 31, 1975 (Supp. 75-2). Former Section R4-7-45 renumbered as Section R4-7-606 effective September 27, 1985 (Supp. 85-5).

ARTICLE 7. STANDARDS OF EDUCATION**R4-7-701. Repealed****Historical Note**

Adopted as an emergency effective June 24, 1977 (Supp. 77-3). Former Section R4-7-50 adopted as an emergency pursuant to A.R.S. § 41-1003, valid for only 90 days. New Section R4-7-50 adopted effective December 29, 1977 (Supp. 77-6). Former Section R4-7-50 renumbered as Section R4-7-701 without change effective September 27, 1985 (Supp. 85-5). Amended effective July 6, 1993 (Supp. 93-3). Section repealed by final rulemaking at 8 A.A.R. 4895, effective January 7, 2003 (Supp. 02-4).

R4-7-702. Educational Requirements for Licensure

To qualify for licensure, an individual shall have graduated from a college of chiropractic that is accredited as specified in A.R.S. § 32-921(B)(2)(a) or that meets the standards of education for accreditation contained in The Council on Chiropractic Education Standards for Doctor of Chiropractic Programs and Institutions.

Historical Note

Adopted as an emergency effective June 24, 1977 (Supp. 77-3). Former Section R4-7-51 adopted as an emergency pursuant to A.R.S. § 41-1003, valid for only 90 days. New Section R4-7-51 adopted effective December 29, 1977 (Supp. 77-6). Former Section R4-7-51 renumbered as Section R4-7-702 without change effective September 27, 1985 (Supp. 85-5). Amended effective July 6, 1993 (Supp. 93-3). Section repealed; new Section made by final rulemaking at 8 A.A.R. 4895, effective January 7, 2003 (Supp. 02-4).

ARTICLE 8. CONTINUING EDUCATION**R4-7-801. Continuing Education Requirements**

- A. To be eligible to renew a license, a licensee shall complete 12 credits of continuing education between January 1 and December 31 of each year, and document compliance with continuing education requirements on the license renewal application as required by R4-7-503(C). Continuing education credit shall be given for a minimum of 50 minutes of continuous study for each class hour. No credit shall be allowed for breaks or for time expended for study outside of the classroom.
- B. Basic requirements – The primary consideration in determining whether or not a specific course qualifies as acceptable continuing education is that it must be a formal program of learning which will contribute directly to the professional competence of a licensee in the practice of chiropractic. Each course shall be on subjects of clinical benefit to the consumer of chiropractic services.
 - 1. The content of the course, seminar or workshop must be recognized by reputable authorities as having validity, and must conform to the scope of practice for assessment, treatment and diagnosis as authorized under A.R.S. § 32-925 and A.R.S. § 32-922.02.
 - 2. Instructors shall be qualified by education and/or experience to provide instruction in the relevant subject matter.
 - 3. Each licensee is responsible for determining in advance that the course which he or she attends qualifies for continuing education credit under this Article.
- C. A licensee shall only obtain continuing education credit by:

Board of Chiropractic Examiners

1. Attending a course, (which includes a seminar or workshop), through a provider and on subjects that have been pre-approved by the Board.
 2. Participating in the development of, or proctoring the National Board of Chiropractic Examiners (NBCE) examinations. Continuing education credits earned in this manner are calculated as one credit hour for each hour of participation in the development of the NBCE examination for a maximum credit of eight hours per year, and one credit hour for each hour proctoring the NBCE exam for a total of eight hours per year. A licensee shall obtain a certificate of participation from the National Board of Chiropractic Examiners to verify compliance with this provision.
 3. By teaching a post-graduate course that has been pre-approved by the Board for continuing education credit under this Section as a faculty member of a college or university that is accredited by or is in good standing with the Council on Chiropractic Education or is accredited by an accrediting agency recognized by the United States Department of Education or the Private Postsecondary Education Board during the renewal year. Continuing education credits earned in this manner are calculated as one credit of continuing education for each hour of post-graduate course instruction. A maximum of six credits of continuing education credit may be earned in this manner annually.
 4. By completing a post-graduate mediated instruction or programmed learning course pre-approved by the Board through an accredited college or university that meets the requirements of A.R.S. § 32-931(B). Mediated instruction and programmed learning refers to learning transmitted by intermediate mechanisms such as webinar or other internet delivered courses that are structured to confirm 50 minutes of continuous instruction for each credit hour received. A licensee shall obtain a certificate of program completion from the accredited college or university to verify compliance with this provision.
- D.** The following are predetermined to meet Board approval as providers for continuing education. Additional approval is not required, nor should it be expected. An application submitted for a course that falls under this subsection shall be returned to the applicant without a review and subsection (E) does not apply. Coursework provided by these entities is approved as meeting continuing education requirements only for those subjects listed in subsections (J) and (K) of this Section. Pre-approval does not include mediated instruction or programmed learning courses.
1. A college or university that meets the requirements of A.R.S. § 32-921(B)(2)(a), the American Chiropractic Association and the International Chiropractors Association, with qualified instructors and that provide courses that meet the subject requirements under subsections (J) or (K).
 2. CPR training provided or sponsored by the American Heart Association, the American Red Cross, or an entity that meets equivalent standards of the American Heart Association and the American Red Cross. A maximum of four credits of continuing education credit may be earned in this manner annually.
 3. Participation in the development of or proctoring the NBCE examinations.
- E.** Prior approval is required for all course providers not mentioned in subsection (D) and for all mediated instruction or programmed learning courses regardless of subsection (D). A provider applying for approval of a continuing education course shall submit a complete application to the Board at least 60 days prior to the anticipated initial date of the course if submitted by internet, or 75 days if provided in hard copy form. The Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing and the applicant must submit the missing information within 10 days of the notice. The Board will not approve a course if a complete application has not been submitted at least 15 business days prior to the initial date of the course identified in the initial application. If the applicant changes the initial date of the course or the course content or the instructors, it shall be considered a new application. A complete application shall include:
1. The name, dates, and locations of the course.
 2. The number of hours requested for approval.
 3. The subjects of the course, broken down by the specific time of instruction in/of each subject.
 4. A course description including the content, explicit written objectives identifying expected learner outcomes for each section of the course and teaching method (i.e. lecture, discussion, PowerPoint, internet, webinar).
 5. A detailed, hour by hour syllabus identifying the subject of instruction for each hour, with the instructor for each section identified. If less than an hour is dedicated to a subject, the syllabus shall identify the number of minutes dedicated to instruction on that subject.
 6. A resume or curriculum vitae for each instructor and an attestation of the following:
 - a. Licenses for all instructors are currently in good standing.
 - b. No instructor has had a license placed on probation or restricted within the past five years in this or any other jurisdiction.
 - c. No instructor has ever had a license suspended or surrendered for unprofessional conduct or revoked in this or any other jurisdiction.
 - d. No instructor has had a license application or renewal denied for unprofessional conduct.
 - e. No instructor has been convicted of a misdemeanor involving moral turpitude or a felony in this or any other jurisdiction.
 7. Documentation of license in good standing for each instructor for each state in which the instructor has or currently holds a license, if applicable. If an instructor is currently under investigation by a regulatory agency or is under investigation for, or been charged with, a criminal offense, the applicant shall disclose the investigation or charge and shall provide all relevant records.
 8. One letter of reference for each course instructor from a person familiar with the instructor's qualifications as an instructor and education and/or experience in the relevant subject.
 9. Identification of a sponsor, if applicable, and disclosure of any connection between the provider and/or instructor and/or sponsor of any commercial relationship and/or any external entity giving financial support to the course. If the course does have a sponsor, a completed sponsor/program provider agreement for continuing education, signed and notarized by a responsible party must be provided with the application.
 10. Documentation of the method by which attendance will be monitored, confirmed and documented.
 11. The name and contact information for the attendance certifying officer with an attestation that the certifying officer is supervised by the applicant provider and a

- description of the supervision method employed to confirm that the certifying officer is performing the duty of monitoring and confirming attendance.
12. Attestation that each course hour consists of no less than 50 minutes of continuous instruction and that credit is not provided for breaks.
 13. The non-refundable fee required under R4-7-1301 for each course, whether individual or included in a program of multiple courses.
 14. The name, address, telephone number, fax number and e-mail of a contact person.
 15. Any other information required or requested by the Board.
 16. If the course is a mediated instruction or programmed learning course, a detailed description of the method used to confirm that the participant was engaged in 50 minutes of continuous instruction for each credit hour awarded.
 17. The Board may require that the applicant provide additional information in support of the application if the course qualifications are not clearly demonstrated through the materials provided.
- F.** The Board shall approve a continuing education course if the applicant has submitted a complete application to the Board's satisfaction within the time-frame required by this Chapter and has demonstrated the following:
1. The course complies with this Chapter.
 2. The course instructors is faculty with an accredited college or university that meets the requirements of A.R.S. § 32-921(B)(2)(a) or demonstrates equivalent qualifications through postgraduate study and experience teaching postgraduate coursework. An instructor must:
 - a. Hold an applicable license in good standing.
 - b. Shall not have had a license placed on probation within the last five years.
 - c. Shall not ever had a license suspended, surrendered for unprofessional conduct or revoked.
 - d. Shall not have had a license application or renewal denied for unprofessional conduct.
 - e. Shall not or been convicted of a felony in this or any other jurisdiction.
 3. The course instructor is qualified by education and experience to provide instruction in the relevant subject matter.
 4. The subject of the course qualifies under subsections (D)(2) and (3), (J) and (K).
 5. The course demonstrates attendance and/or monitoring procedures. Monitoring procedures must provide confirmation that a licensee was engaged in 50 minutes of continuous study for each credit hour.
- G.** The Board shall not approve a continuing education course if the applicant fails to submit a complete application within the time-frame required by this Chapter or if:
1. The course does not qualify under this Chapter.
 2. The course subject does not qualify for continuing education credit under subsections (D)(2) and (3), (J) and (K).
 3. The instructor does not qualify as per subsection (F)(2).
 4. The instructor's references do not support the qualifications of the instructor as per subsection (F).
 5. The course primary focus is to promote a product or service.
 6. The course requires participants to purchase a product or service.
 7. The course has no significant relationship to the assessment, diagnosis or treatment of patients within the scope of practice of chiropractic as defined under A.R.S. §§ 32-925 and 32-922.02.
8. The content cannot be verified.
 9. The course refutes generally accepted medical care and treatment and/or instructs participants to encourage patients to stop taking medication and/or stops participating in generally accepted medical care or fails to qualify under subsection (K).
- H.** A course approved by the Board pursuant to subsections (E) and (F) shall be issued an approval number. Once approved, a course provider shall:
1. Provide course attendees with a certificate confirming course participation. The certificate shall:
 - a. Include the name of the college or university through which the course was completed, or the course approval code issued by the Board, if applicable;
 - b. The name and Arizona license number of the attendee;
 - c. The name of the course provider, the course subject matter;
 - d. The name of the course if different than the subject matter listed;
 - e. The date and location of the course; and
 - f. The number of hours of continuing education completed.
 2. Maintain a list of all course attendees for a minimum of five years after each date that the course is held, and shall provide a copy of the list to the board within 10 days of a written request to do so.
 3. Maintain a copy of the course syllabus and stated learning objectives, a list of instructors and documentation of the name, location and date of the course for a minimum of five years and shall provide the Board with a copy of these materials within 10 days of a written request to do so.
 4. Monitor course attendance by each attendee in a manner that confirms that the attendee was present and participating in the course for a continuous 50 minutes for each hour of continuing education credited.
 5. Notify the Board immediately of concerns or problems that may arise regarding the approved course, to include discipline being imposed on the license of an instructor or an instructor being convicted of a criminal offense.
 6. Reapply for Board approval every two years no later than the first day of the month in which the course was initially approved, and every time the subject of the course changes and/or there is a change in instructors that does not include an instructor already approved by the Board. Failure to reapply as per this subsection shall disqualify the course for ongoing continuing education credit.
 7. Not represent that the course is sanctioned or promoted by the state of Arizona Board of Chiropractic Examiners. The provider may state that the course meets the continuing education requirements as per A.R.S. § 32-931. If the course has been directly approved by the Board, the provider may display the Board's course approval number.
- I.** The Board may monitor a continuing education provider's compliance with continuing education statutes and rules as follows:
1. The Board may request any or all documentation as per Section (H) of this rule from a board-approved continuing education provider for any course registered for license renewal to ensure compliance with this rule.
 2. A representative of the Board may attend any approved continuing education course for the purpose of verifying the content of the program and ensuring compliance with

Board of Chiropractic Examiners

the Board's continuing education rules at no charge to the Board representative.

3. If the Board finds that a course or provider is not compliant with the continuing statutes or rules, has misrepresented course content or instructors in an application, failed to obtain new approval for a course with a change in subject or instructor or failed to pay the course fee, the Board may withdraw its approval for continuing credit for the course and/or the provider. The withdrawal of approval shall be effective upon written notification to the provider's contact of record by the Board.
 4. The Board shall notify a provider that it will consider withdrawal of course approval and provide the date, time and location of the meeting at which the matter will be discussed and possible action taken.
 5. If approval is withdrawn, the Board shall notify the provider of the reasons for withdrawal of approval.
 6. The provider shall notify all Arizona licensees who attended the course that any course hours obtained through the course cannot be used for continuing education credit of license renewal in the state of Arizona. If a provider fails to provide appropriate notice to Arizona licensed attendees, within ten business days of written notice from the Board that course approval has been withdrawn, that provider shall not be considered for approval of continuing education credit in the future. The notice to the Arizona licensed attendees must be made by certified mail in order to establish documentation that the requirement was met.
- J.** Course subjects approved for continuing education for renewal of an Arizona chiropractic license are:
1. Adjusting techniques;
 2. Spinal analysis;
 3. Physical medicine modalities and therapeutic procedures as defined in A.R.S. § 32-900(7) and (8);
 4. Recordkeeping and documentation;
 5. Ethics;
 6. CPR;
 7. Public health;
 8. Communicable diseases;
 9. Sexual boundaries;
 10. Emergency procedures;
 11. Acupuncture;
 12. Nutrition;
 13. Examination;
 14. Assessment and diagnostic procedures to include physical, orthopedic, neurological procedures;
 15. Radiographic technique;
 16. Diagnostic imaging and interpretation;
 17. Laser as permitted by law;
 18. Clinical laboratory procedures limited to urine collection, fingerpicks and venipuncture (not to be confused with evaluation of lab reports);
 19. Anatomy;
 20. Physiology;
 21. Bacteriology;
 22. Chiropractic orthopedics and neurology;
 23. Chemistry;
 24. Pathology;
 25. Patient management;
 26. Evidence-based clinical interventions models;
 27. Symptomatology;
 28. Arizona jurisprudence, and;
 29. Participation in National Board of Chiropractic Examiners examination development or administration of examinations.
- K.** In addition to the subjects in subsections (A), (C), (D) and (J), courses for the purpose of recognizing, assessing and determining appropriate referral or collaborative treatment of complex conditions, including but not limited to cancer, autism, multiple sclerosis, diabetes, and developmental disorders, for the purpose of co-management of the patient's condition with qualified medical providers shall qualify for continuing education credit.
- L.** The following subjects shall not qualify for continuing education for the purpose of license renewal and shall not be approved by the Board:
1. Billing, coding;
 2. Malpractice defense;
 3. Practice management;
 4. Risk management;
 5. Promotion of a product or a service or a requirement that attendees purchase a product or service;
 6. Strategies to increase insurance payments;
 7. Administrative or economic aspects of a practice;
 8. Motivational courses;
 9. Legal courses other than pre-approved Board jurisprudence;
 10. Anti-aging;
 11. Hormone treatment;
 12. Aroma therapy;
 13. Stress management;
 14. Psychological treatment;
 15. HIPAA;
 16. Homeopathic practice that exceeds A.R.S. § 32-925;
 17. Professional or business meetings, speeches at luncheons, banquets, etc.;
 18. Subject matter that exceeds the assessment, diagnosis and treatment of patients within the scope of practice of chiropractic as defined in this Chapter;
 19. Any course without a significant relationship to the safe and effective practice of chiropractic under A.R.S. § 32-925 and A.R.S. § 32-922.02;
 20. And any course that involves a distance learning format or materials if the course has not been pre-approved by the board and issued a board approval number;
- M.** A licensee's compliance with subsections (A), and (C), shall include the following coursework in order to renew a license.
1. Each licensee shall complete a minimum of two hours of continuing education in recordkeeping for every even numbered year.
 2. Each person who is issued a new license to practice chiropractic in Arizona on or after January 1, 2013, is required to attend three hours of a single regularly scheduled Board meeting within the first year of residence in Arizona. The licensee cannot distribute the three hours of Board meeting attendance over two or more Board meetings. The licensee shall notify the Board in writing within ten days of moving to Arizona. The meeting attendance must be pre-scheduled and pre-approved by Board staff. Continuing education credit will not be awarded if the licensee is attending the meeting as a subject of an investigation or other Board review or if the licensee fails to properly schedule attendance as per this Section. This subsection does not pertain to any person who has had a license to practice chiropractic in Arizona issued prior to January 1, 2013.
- N.** The Board shall grant an extension of 90 days to comply with the continuing education requirements to a qualified licensee. To qualify for an extension, a licensee shall:
1. Timely file a license renewal application and renewal fee; and

2. Submit a written request for an extension no later than December 1 of the current renewal year, including evidence of good cause why the continuing education requirements cannot be met by December 31 of the current renewal year.
- O. The following reasons constitute good cause for the Board to grant an extension of time to comply with the continuing education requirements:
 1. The licensee lived in a country where there was no accredited chiropractic college, or a college that meets the requirements of R4-7-702, for at least seven months during the year that the continuing education requirements are to be met;
 2. The licensee was in active military service for at least seven months during the year that the continuing education requirements are to be met; or
 3. The licensee was not able to complete the continuing education requirements because of a documented disability of the licensee or the licensee's spouse, child, or parent.
- P. If the Board grants an extension of time to complete the required 12 hours of continuing education requirements, 12 hours of required continuing education credits obtained during the 90-day extension shall be applied to meet only the requirements for which the extension is granted. A licensee shall not report those 12 hours of continuing education credit earned during a 90-day extension for a subsequent renewal year.
4. No continuing education credit earned between the immediately preceding January 1 and the date that the license renewal application was filed was earned under an extension of time to comply with the continuing education requirements of a previous year, and
5. The provisions of A.R.S. § 32-931 and R4-7-801 were met.
- D. Documentation shall be in the form of a certificate of completion issued by a Board-approved provider. The Board may require submission of a time sheet demonstrating that the licensee was in attendance for a continuous 50 minutes for every hour of continuing education credit awarded.
- E. The Board shall suspend a license upon notification to the licensee that the licensee has failed to demonstrate compliance with continuing education requirements as per A.R.S. §§ 32-923(C) and 32-931.

Historical Note

Adopted as an emergency effective Oct. 7, 1977 (Supp. 77-5). Former Section R4-7-61 repealed, new Section R4-7-61 adopted effective December 29, 1977 (Supp. 77-6). Repealed effective May 14, 1980 (Supp. 80-3). Former Section R4-7-61 renumbered as Section R4-7-802 effective September 27, 1985 (Supp. 85-5). Adopted effective June 19, 1997 (Supp. 97-2). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2). Amended by final rulemaking at 18 A.A.R. 2554, effective November 19, 2012 (Supp. 12-3).

R4-7-803. Effect of Suspension on Continuing Education Requirements

A licensee whose license is suspended under A.R.S. §§ 32-923, 32-924, or 32-931, shall complete 12 credits of continuing education for each calendar year or part of a calendar year that the license is suspended before the license may be reinstated or renewed.

Historical Note

Adopted as an emergency effective Oct. 7, 1977 (Supp. 77-5). Former Section R4-7-62 repealed, new Section R4-7-62 adopted effective December 29, 1977 (Supp. 77-6). Repealed effective May 14, 1980 (Supp. 80-3). Former Section R4-7-62 renumbered as Section R4-7-803 effective September 27, 1985 (Supp. 85-5). Adopted effective June 19, 1997 (Supp. 97-2).

ARTICLE 9. UNPROFESSIONAL CONDUCT

R4-7-901. Advertising of a Deceptive and Misleading Nature

The Board shall investigate an allegation of advertising in a false, deceptive, or misleading manner by a licensee and may sanction a licensee for a violation under A.R.S. § 32-924. Advertising of a false, deceptive, or misleading manner includes, but is not limited to, the following:

1. Advertising painless procedures;
2. Advertising complete health services; or
3. Advertising that uses the words "specialist," "specializing," or "expert."

Historical Note

Adopted effective May 8, 1978 (Supp. 78-3). Former Section R4-7-70 renumbered as Section R4-7-901 without change effective September 27, 1985 (Supp. 85-5). Amended by final rulemaking at 8 A.A.R. 4895, effective January 7, 2003 (Supp. 02-4).

R4-7-902. Unprofessional or Dishonorable Conduct

Unprofessional or dishonorable conduct, as used in A.R.S. § 32-924(A)(5), means:

Historical Note
Adopted as an emergency effective Oct. 7, 1977 (Supp. 77-5). Former Section R4-7-60 repealed, New Section R4-7-60 adopted effective December 29, 1977 (Supp. 77-6). Repealed effective May 14, 1980 (Supp. 80-3). Former Section R4-7-60 renumbered as Section R4-7-801 effective September 27, 1985 (Supp. 85-5). Adopted effective June 19, 1997 (Supp. 97-2). Amended by final rulemaking at 7 A.A.R. 2821, effective June 12, 2001 (Supp. 01-2). Amended by final rulemaking at 13 A.A.R. 1848, effective July 10, 2007 (Supp. 07-2). Amended by final rulemaking at 18 A.A.R. 2554, effective November 19, 2012 (Supp. 12-3).

R4-7-802. Documenting Compliance with Continuing Education Requirements

- A. A licensee shall retain documents to verify compliance with the continuing education requirements for at least five years from the date the continuing education credit is used to qualify the licensee for renewal. The Board may audit continuing education compliance at any time during those five years by requiring submission of documentation of course completion.
- B. With each license renewal application, a licensee shall attest by providing the licensee's signature, that the licensee has met the continuing education requirements, and complied with R4-7-503(C)(8) and subsection (A). A licensee's documentation of compliance on the license renewal application shall include the name of the approved course provider.
- C. The Board may require a licensee to provide documentation to verify compliance with continuing education requirements, including evidence that:
 1. Each continuing education credit was for 50 minutes of education,
 2. The requirements of subsections (A) and (B) were satisfied,
 3. Continuing education credit was earned between the immediately preceding January 1 and the date that the license renewal application was filed or the date on which an extension of time expired,

1. Failing to disclose, in writing, to a patient or a third-party payor that the licensee has a financial interest in a diagnostic or treatment facility, test, good, or service when referring a patient for a prescribed diagnostic test, treatment, good, or service and that the diagnostic test, treatment, good or service is available on a competitive basis from another provider. This subsection does not apply to a referral by one licensee to another within a group of licensees who practice together. This subsection applies regardless of whether the referred service is provided at the licensee's place of practice or at another location.
2. Knowingly making a false or misleading statement to a patient or a third-party payor.
3. Knowingly making a false or misleading statement, providing false or misleading information, or omitting material information in any oral or written communication, including attachments, to the Board, Board staff, or a Board representative or on any form required by the Board.
4. Knowingly filing with the Board an application or other document that contains false or misleading information.
5. Failing to create an adequate patient record that includes the patient's health history, clinical impression, examination findings, diagnostic results, x-ray films if taken, x-ray reports, treatment plan, notes for each patient visit, and a billing record. The notes for each patient visit shall include the patient's name, the date of service, the chiropractic physician's findings, all services rendered, and the name or initials of the chiropractic physician who provided services to the patient.
6. Failing to maintain the information required by subsection (5) for a patient, for at least six years after the last treatment date, or for a minor, six years after the minor's 18th birthday, or failing to provide written notice to the Board about how to access the patient records of a chiropractic practice that is closed by providing, at a minimum, the physical address, telephone number and full name of a person who can be contacted regarding where the records are maintained, for at least six years after each patient's last treatment date or 18th birthday.
7. Failing to:
 - a. Release a copy of all requested patient records under subsection (5), including the original or diagnostic quality radiographic copy x-rays, to another licensed physician, the patient, or the authorized agent of the patient, within 10 business days of the receipt of a written request to do so. This subsection does not require the release of a patient's billing record to another licensed physician.
 - b. Release a copy of any specified portion or all of a patient's billing record to the patient or the authorized agent of the patient, within 10 business days of the receipt of a written request to do so.
 - c. In the case of a patient or a patient's authorized agent who has verbally requested the patient record:
 - i. Provide the patient record, or
 - ii. Inform the patient or patient's authorized agent that the record must be provided if a written request is made under subsection (7)(a) or (b).
 - d. Return original x-rays to a licensed physician within 10 business days of a written request to do so.
 - e. Provide free of charge, copies of patient records to another licensed physician, the patient, or the authorized agent of the patient in violation of A.R.S. Title 12, Chapter 13, Article 7.1.
8. Representing that the licensee is certified by this Board in a specialty area in which the licensee is not certified or has academic or professional credentials that the licensee does not have.
9. Failing to provide to a patient upon request documentation of being certified by the Board in a specialty area or the licensee's academic certification, degree, or professional credentials.
10. Practicing, or billing for services under any name other than the name by which the chiropractic physician is licensed by the Board, including corporate, business, or other licensed health care providers' names, without first notifying the Board in writing.
11. Suggesting or having sexual contact, as defined in A.R.S. § 13-1401, in the course of patient treatment or within three months of the last chiropractic examination, treatment, or consultation with an individual with whom a consensual sexual relationship did not exist prior to a chiropractic/patient relationship being established.
12. Intentionally viewing a completely or partially disrobed patient in the course of an examination or treatment if the viewing is not related to the patient's complaint, diagnoses, or treatment under current practice standards.
13. Improper billing. Improper billing means:
 - a. Knowingly charging a fee for services not rendered;
 - b. Knowingly charging a fee for services not documented in the patient record as being provided;
 - c. Charging a fee by fraud or misrepresentation, or willfully and intentionally filing a fraudulent claim with a third-party payor;
 - d. Misrepresenting the service provided for the purpose of obtaining payment; and
 - e. Charging a fee for a service provided by an unlicensed person who is not a chiropractic assistant under A.R.S. § 32-900 or for services provided by an unsupervised chiropractic assistant; and
 - f. Repeatedly billing for services not rendered or not documented as rendered or repeatedly engaging in acts prohibited under subsections (13)(c) through (e).
14. Failing to timely comply with a board subpoena pursuant to A.R.S. § 32-929 that authorizes Board personnel to have access to any document, report, or record maintained by the chiropractic physician relating to the chiropractic physician's practice or professional activities.
15. Failing to notify the Board of hiring a chiropractic assistant or to register a chiropractic assistant under R4-7-1102 or failing to supervise a chiropractic assistant, under A.R.S. § 32-900 that is supervised or employed by the chiropractic physician.
16. Allowing or directing a person who is not a chiropractic assistant and who is not licensed to practice a health care profession to provide patient services, other than clerical duties.
17. Intentionally misrepresenting the effectiveness of a treatment, diagnostic test, or device.
18. Administering, prescribing, or dispensing prescription-only medicine, or prescription-only drugs, or a prescription-only device as defined in A.R.S. § 32-1901 and pursuant to A.R.S. § 32-925(B). This subsection does not apply to those substances identified under R4-7-101(13).
19. Performing surgery or practicing obstetrics in violation of A.R.S. § 32-925(B).
20. Performing or providing colonic irrigation.

21. Penetration of the rectum by a rectal probe or device for the administration of ultrasound, diathermy, or other modalities.
22. Use of ionizing radiation in violation of A.R.S. § 32-2811.
23. Promoting or using diagnostic testing or treatment for research or experimental purposes:
 - a. Without obtaining informed consent from the patient, in writing, before the diagnostic test or treatment. Informed consent includes disclosure to the patient of the research protocols, contracts the licensee has with researchers, if applicable, and information on the institutional review committee used to establish patient protection.
 - b. Without conforming to generally accepted research or experimental criteria, including following protocols, maintaining detailed records, periodic analysis of results, and periodic review by a peer review committee; or
 - c. For the financial benefit of the licensee.
24. Having professional connection with, lending one's name to, or billing on behalf of an illegal practitioner of chiropractic or an illegal practitioner of any healing art.
25. Holding oneself out to be a current or past Board member, Board staff member or a Board chiropractic consultant if this is not true.
26. Claiming professional superiority in the practice of chiropractic under A.R.S. § 32-925.
27. Engaging in disruptive or abusive behavior in a clinical setting.
28. Providing substandard care due to an intentional or negligent act or failure to act regardless of whether actual injury to the patient is established.
29. Intentionally disposing of confidential patient information or records without first redacting all personal identifying patient information or by any means other than shredding or incinerating the information or record.
30. Intentionally disclosing a privileged communication or document, or confidential patient information except as otherwise required or allowed by law.
31. Having been diagnosed by a physician whom the Board determines is qualified to render the diagnosis as habitually using or having habitually used alcohol, narcotics, or stimulants to the extent of incapacitating the licensee for the performance of professional duties.
32. Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. Conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.
33. Having an action taken against a professional license in another jurisdiction, any limitation or restriction of the license, probation, suspension, revocation, surrender of the license as a disciplinary measure or denial of a license application or license renewal for a reason related to unprofessional conduct.
34. Directly or indirectly dividing a professional fee for patient referrals among health care providers or health care institutions or between providers and institutions or entering into a contractual arrangement to that effect. This subsection does not prohibit the members of any regularly and properly organized business entity recognized by law from dividing fees received for professional services among themselves as they determine necessary.
35. Failing to report in writing to the Board any information based upon personal knowledge that a chiropractic physician may be grossly incompetent, guilty of unprofes-

sional or dishonorable conduct, or mentally or physically unable to provide chiropractic services safely. Any person who reports or provides information to the Board in good faith is not subjected to civil damages as a result of reporting or providing the information. If the informant requests that the informant's name not be disclosed, the Board shall not disclose the informant's name unless disclosure is essential to the disciplinary proceedings conducted under A.R.S. § 32-924 or required under A.R.S. § 41-1010.

36. Violating any federal or state statute or rule or regulation applicable to the practice of chiropractic.

37. Any act or omission identified in A.R.S. § 32-924(A).

Historical Note

Adopted effective September 9, 1997 (Supp. 97-3).

Amended by final rulemaking at 14 A.A.R. 502, effective April 5, 2008 (Supp. 08-1).

ARTICLE 10. PRECEPTORSHIP TRAINING PROGRAM

R4-7-1001. Eligibility; Application

- A. Both extern and preceptor shall submit a written application to the Board for approval of participation in a preceptor training program. The Board shall process the application within the time-frames provided in R4-7-502(J).
 1. The application shall be submitted on a form that contains:
 - a. The extern's photo;
 - b. The extern's and preceptor's names, addresses, telephone numbers, and any other names of the extern or preceptor;
 - c. The preceptor's license number, number of years in practice, and disciplinary history;
 - d. A waiver of confidentiality under subsection (B)(2) and notarized signature from both the extern and preceptor;
 - e. The beginning and ending date of the program;
 - f. Location, days, and hours of the program;
 - g. The name and contact number for the college sponsoring the preceptorship program under subsection (B)(1);
 - h. The date of extern graduation from a chiropractic college and identification of the proposed scope of the program for which the application is being submitted and the eligibility of the applicants for approval.
 2. The application shall require the extern and the preceptor to disclose any convictions or sanctions and whether the extern or preceptor is currently under investigation for a violation of criminal or administrative law.
- B. Except as provided in subsection (D), the Board shall approve participation by an extern who does not come under subsection (C) and who:
 1. Concurrently participates in an undergraduate or postgraduate preceptorship program offered by an accredited chiropractic college and provides verifiable proof of enrollment;
 2. Submits a written waiver of confidentiality that permits the Board access to any information, records, or documentation collected or used by the college to evaluate the extern's eligibility for or performance in the program;
 3. Provides a certificate of attainment on Parts I and II of the examination by the National Board of Chiropractic Examiners;
 4. Successfully completes and provides documentation of the coursework required by A.R.S. § 32-922.02 for prac-

tice of chiropractic specialties, if specialties are to be included in the training program; and

5. Submits the \$75.00 filing fee, which is non-refundable except if A.R.S. § 41-1077 applies.
- C.** The Board shall not approve participation for an extern who:
1. Has been the subject of disciplinary sanction or convicted of a felony or misdemeanor involving moral turpitude;
 2. Is currently under investigation for a licensing violation, or a felony or misdemeanor involving moral turpitude;
 3. Fails to demonstrate good character and reputation;
 4. Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely; or
 5. Has practiced chiropractic without a license or through participation in an approved preceptor program.
- D.** The Board shall approve participation for a preceptor who:
1. Concurrently participates as a preceptor at the chiropractic college in which the extern is enrolled throughout the time period of the preceptor program and provides verifiable proof of participation;
 2. Submits a written waiver of confidentiality that permits the Board access to any information, records, or documentation collected or used by the college to evaluate the preceptor's eligibility for or performance in the program; and
 3. Is continuously licensed in Arizona for at least five years before the date the program is to begin and, if the program is to include practice of chiropractic specialties, is certified in those specialties for at least three years before the date upon which the program is to begin; and
- E.** The Board shall not approve participation for a preceptor who:
1. Has been the subject of disciplinary sanction or convicted of a felony or a misdemeanor involving moral turpitude;
 2. Is currently under investigation for a licensing violation, felony, or misdemeanor involving moral turpitude;
 3. Fails to demonstrate good character and reputation; or
 4. Fails to demonstrate the physical and mental ability to practice chiropractic skillfully and safely.

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Section repealed and new Section adopted by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 8 A.A.R. 3293, effective July 17, 2002 (Supp. 02-3).

R4-7-1002. Practice Limitations

- A.** Under the supervision of the preceptor and commensurate with the extern's education, training, and experience, an extern may engage in the practice of health care, as defined in A.R.S. § 32-925, except that an extern shall not perform any procedure defined as a chiropractic specialty requiring certification unless the extern and the preceptor have met the eligibility requirements in R4-7-1001 for that specialty.
- B.** At all times when patients may be present, the extern shall wear a badge showing the extern's name and the title "Extern" in capital letters equal in size to the name.
- C.** Before an extern conducts an examination or renders care to a patient, the preceptor shall secure from the patient a written consent to the examination or care. The written consent shall specify that the patient understands that an extern is not a licensed doctor, and that the preceptor retains responsibility for quality of care. The preceptor shall maintain the signed consent as a part of the patient's file.

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Section repealed and new Section adopted by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2).

R4-7-1003. Regulation and Termination of the Preceptorship Program

- A.** The Board, on its own initiative or upon receipt of a complaint, may investigate conduct of an extern or preceptor occurring within the program for compliance with this Chapter and A.R.S. § 32-924. The Board may, pursuant to A.R.S. § 32-929, obtain patient records as part of the investigation.
- B.** If after investigation, the Board determines that the conduct of the extern or preceptor imperatively requires emergency action, the Board shall suspend approval of the program pending proceedings for termination or other action. The Board shall promptly notify the extern, the preceptor, and the college of the suspension, the reasons for the suspension, and the conditions under which the suspension may be lifted, if any.
- C.** If after a hearing, the Board determines that the conduct of the preceptor or the extern constitutes a violation of this Chapter or A.R.S. § 32-924, the Board shall terminate the program and may sanction the preceptor or deny licensure to the extern if the extern has applied for a license.
- D.** If the Board receives written verification from a chiropractic college that the extern or preceptor is no longer concurrently participating in the associated chiropractic college program, the Board shall terminate approval of the extern's training program.
- E.** An extern may participate in a preceptorship program until the results of the next scheduled Part IV of the National Board of Chiropractic Examiners examination are released or for six months immediately following the extern's date of graduation from chiropractic college, whichever occurs first.

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Section repealed and new Section adopted by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2). Amended by final rulemaking at 8 A.A.R. 3293, effective July 17, 2002 (Supp. 02-3).

Appendix A. Repealed

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Repealed by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2).

Appendix B. Repealed

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Repealed by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2).

Appendix C. Repealed

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Repealed by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2).

Appendix D. Repealed

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Repealed by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2).

Appendix E. Repealed

Historical Note

Adopted effective September 27, 1985 (Supp. 85-5). Repealed by final rulemaking at 5 A.A.R. 1602, effective May 20, 1999 (Supp. 99-2).

Appendix F. Repealed**Historical Note**

Adopted effective September 27, 1985 (Supp. 85-5).
Repealed by final rulemaking at 5 A.A.R. 1602, effective
May 20, 1999 (Supp. 99-2).

ARTICLE 11. CHIROPRACTIC ASSISTANTS**R4-7-1101. Use of the Term “Chiropractic Assistant”**

Only a chiropractic assistant as defined in A.R.S. § 32-900 who assists a chiropractor by performing basic health care duties, shall use the term “chiropractic assistant” or “C.A.”

Historical Note

Adopted effective December 18, 1992 (Supp. 92-4).
Amended by final rulemaking at 5 A.A.R. 998, effective
March 16, 1999 (Supp. 99-1).

R4-7-1102. Chiropractic Assistant Training

- A. A C.A. shall complete 24 clock hours of coursework, with a minimum of four hours in each of the following subjects: chiropractic principles, management of common diseases, history taking, recordkeeping, professional standards of conduct, and CPR. If a chiropractor supervising a C.A. is certified in physiotherapy under A.R.S. § 32-922.02, the C.A. shall complete 12 hours of training in physiotherapy in addition to the 24 hours of coursework. If a chiropractor supervising a C.A. is certified in acupuncture under A.R.S. § 32-922.02, the C.A. shall complete two hours of training in acupuncture in addition to the 24 hours of coursework.
- B. A C.A. shall take coursework from a Board-approved facility or chiropractor. The facility or chiropractor providing coursework shall submit documentation that describes each subject listed in subsection (A) to the Board for approval prior to offering the course.
- C. A chiropractor shall inform the Board, in writing, that the chiropractor has employed a chiropractic assistant within seven days of hiring the C.A. by submitting the name of the C.A., the name and license number of the supervising chiropractor, the address and phone number where the C.A. is employed, and the initial date of hire. A C.A. shall begin Board-approved coursework within three months of initial employment with a supervising chiropractor, and shall complete the coursework within one year of initial employment with the supervising chiropractor.
- D. A C.A. shall register with the Board upon completing required coursework. A C.A. shall submit a separate registration form for each place of employment and each supervisor. A C.A. shall register by submitting documentation to the Board on a Board-approved form, signed by the supervising chiropractor, showing the date that the C.A. completed each required subject. The Board shall issue the C.A.’s registration upon approval of the registration form.
- E. A chiropractor supervising a C.A. shall maintain at the C.A.’s place of employment a copy of the C.A.’s registration.
- B. Clinical duties that a chiropractic assistant may perform as directed by the supervising chiropractor under subsection (A) include, but are not limited to:
 - 1. Asepsis and infection control,
 - 2. Taking patient histories and vital signs,
 - 3. Performing first aid and CPR,
 - 4. Preparing patients for procedures,
 - 5. Assisting the supervising chiropractor with examinations and treatments, and
 - 6. Collecting and processing specimens.
- C. A chiropractic assistant who meets the education requirements for physiotherapy under R4-7-1102(A) may administer, under the direct supervision of a chiropractor certified in physiotherapy, but is not limited to administering:
 - 1. Whirlpool treatments,
 - 2. Diathermy treatments,
 - 3. Electronic galvanization stimulation treatments,
 - 4. Ultrasound therapy,
 - 5. Massage therapy,
 - 6. Traction treatments,
 - 7. Transcutaneous nerve stimulation unit treatments, and
 - 8. Hot and cold pack treatments.
- D. A chiropractic assistant that meets the education requirements for acupuncture under R4-7-1102(A) may prepare and sterilize instruments and may remove acupuncture needles under the direct supervision of a chiropractor certified in acupuncture.
- E. A C.A. shall not:
 - 1. Take an x-ray,
 - 2. Perform an independent examination,
 - 3. Diagnose a patient,
 - 4. Determine a regimen of patient care,
 - 5. Change the regimen of patient care set by the supervising chiropractor,
 - 6. Perform an adjustment, or
 - 7. Perform acupuncture by needle insertion.
- F. A person who has had a license to practice chiropractic or any other health care profession suspended, revoked, or denied for any reason other than failing to meet education or licensing examination requirements in this or any other jurisdiction shall not perform the clinical duties of a chiropractic assistant.
- G. As per A.R.S. § 32-900(3), a chiropractic assistant shall not be licensed to practice chiropractic in this or any other jurisdiction.
- H. A supervising chiropractor shall be responsible for all acts or omissions of a C.A.
- I. A person who does not meet the requirements of R4-7-1102 shall perform only clerical or administrative duties.

Historical Note

Adopted effective December 18, 1992 (Supp. 92-4).
Amended by final rulemaking at 5 A.A.R. 998, effective
March 16, 1999 (Supp. 99-1). Amended by final
rulemaking at 13 A.A.R. 4584, effective February 2, 2008
(Supp. 07-4).

ARTICLE 12. EXPIRED**R4-7-1201. Expired****Historical Note**

New Section made by final rulemaking at 8 A.A.R. 259,
effective December 17, 2001 (Supp. 01-4). Section
expired under A.R.S. § 41-1056(E) at 12 A.A.R. 688,
effective December 31, 2005 (Supp. 06-1).

R4-7-1202. Expired**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 259,

effective December 17, 2001 (Supp. 01-4). Section expired under A.R.S. § 41-1056(E) at 12 A.A.R. 688, effective December 31, 2005 (Supp. 06-1).

R4-7-1203. Expired

Historical Note

New Section made by final rulemaking at 8 A.A.R. 259, effective December 17, 2001 (Supp. 01-4). Section expired under A.R.S. § 41-1056(E) at 12 A.A.R. 688, effective December 31, 2005 (Supp. 06-1).

R4-7-1204. Expired

Historical Note

New Section made by final rulemaking at 8 A.A.R. 259, effective December 17, 2001 (Supp. 01-4). Section expired under A.R.S. § 41-1056(E) at 12 A.A.R. 688, effective December 31, 2005 (Supp. 06-1).

ARTICLE 13. CHARGES

R4-7-1301. Additional Charges

- A.** The Board shall collect charges for services as follows:
1. Annual license renewal fee: \$170.00;
 2. Copies of public records: \$0.25 per page, with a minimum fee of \$2.00;
 3. Directories or labels: \$40.00;
 4. Annual subscription for meeting minutes: \$70.00;
 5. Agendas: \$25.00 for an annual subscription or \$2.00 per agenda;
 6. Recordings of Board meetings: \$5.00 per disc or tape;
 7. Lists of licensees, applicants, chiropractic assistants: \$0.05 per name, with a minimum fee of \$2.00;
 8. Hard copy credential verification: \$2.00 per name;
 9. Verification of license status: \$25.00;
 10. Continuing education course review for approval: \$50.00;
 11. Jurisprudence booklet: \$10.00;
 12. Duplicate renewal receipt: \$5.00;
 13. Duplicate ornamental license: \$20.00;
 14. Duplicate ornamental certificate: \$20.00; and
 15. Penalty for insufficient funds check submitted to Board as payment of fee or other charge: \$25.00.
- B.** All charges are non-refundable, except if A.R.S. § 41-1077 applies.
- C.** The fees in this Section pertain regardless of the method by which the document is delivered.

Historical Note

New Section adopted by final rulemaking at 5 A.A.R. 4532, effective November 9, 1999 (Supp. 99-4). Amended by final rulemaking at 7 A.A.R. 4328, effective September 20, 2001 (Supp. 01-3). Amended by final rulemaking at 9 A.A.R. 5026, effective January 3, 2004 (Supp. 03-4). Amended by final rulemaking at 12 A.A.R. 4687, effective February 3, 2007 (Supp. 06-4).

ARTICLE 14. BUSINESS ENTITIES

R4-7-1401 Application for Business Entity; qualifications of applicant; fee; background investigations

- A.** A business entity that wishes to operate a clinic, franchise, business, club, or any other entity which uses the services of a licensed doctor of chiropractic to provide a service, supervise the provision of services, act as clinical director or otherwise perform any function under a person's chiropractic license (doctor of chiropractic) shall submit a complete application to the Board at least sixty days prior to the intended implementation of engaging the services of a

licensed doctor of chiropractic. A business entity that uses the services of a doctor of chiropractic as defined in this subsection prior to the effective date of these rules shall submit a complete application to the Board no later than ten days from the effective date of these rules. A business entity shall not engage the services of a doctor of chiropractic as noted in this section until the Board has approved and issued the registration. The registration shall serve as a license for the purpose of compliance with this Chapter.

- B.** "Owner, officer or director" means any person with a fiscal or an administrative interest in the business entity, regardless of whether the business is a for-profit or non-profit affiliation.
- C.** To be eligible for business entity registration, the applicant owners, officers or directors shall:
1. Be of good character and reputation.
 2. Have obtained a license or a permit to conduct a business under applicable law and jurisdiction.
- D.** The board may deny registration to a business entity if:
1. The business entity is not eligible for registration.
 2. An owner, an officer or a director has had a license to practice any profession refused, revoked, suspended, surrendered or restricted by a regulatory entity in this or any other jurisdiction for any act that constitutes unprofessional conduct pursuant to this Chapter.
 3. An owner, an officer or a director is currently under investigation by a regulatory entity in this or any other jurisdiction for an act that may constitute unprofessional conduct pursuant to this Chapter.
 4. An owner, an officer or a director has surrendered a license for an act that constitutes unprofessional conduct pursuant to this Chapter in this or any other jurisdiction.
 5. An owner, an officer or a director has been convicted of criminal conduct that constitutes grounds for disciplinary action pursuant to this Chapter.
 6. The business entity allows or has allowed any person to practice chiropractic without a license or fails or failed to confirm that a person that practices chiropractic is properly licensed.
 7. The business entity allows or has allowed a person who is not a licensed doctor of chiropractic and who is not a chiropractic assistant to provide patient services according to this Chapter.
- E.** The applicant shall pay to the Board a nonrefundable application fee of \$400.00.
- F.** In order to determine an applicant business entity's (applicant) eligibility for approval, the Board may require the business entity's owners, officers and directors to submit a full set of fingerprints to the Board. The Board shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section A.R.S. 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The board shall charge each applicant a fee that is necessary to cover the cost of the investigation. The Board shall forward this fee to the department of public safety.

R4-7-1402. Display of Registration

A business entity shall, at all times, display the registration issued to the business entity by the Board in a conspicuous place at all locations where a doctor of chiropractic is employed, contracted or otherwise functions in any capacity under a chiropractic license, including mobile practices. The business

entity shall, upon request of any person, immediately produce for inspection the annual renewal certificate for the current

registration period and shall keep a renewal certificate issued by the Board present at all locations.

R4-7-1403. Procedures for Processing Initial Registration Applications

- A. An applicant may obtain an application package at the Board Office on a business day, or by requesting that the Board send the application to an address specified by the applicant.
- B. A completed business entity registration application package shall be submitted to the Board office on a business day. The Board shall deem the business entity application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office.
- C. To complete a business entity application package, an applicant shall provide the following information and documentation:
 1. The full current name and any former names and title of any and all owners, officers or directors.
 2. The current home and all office addresses, current home and all office phone numbers, all current office fax numbers, and any previous home or office addresses for the past five years for each owner, officer or director.
 3. The business name and the current addresses, phone numbers and fax numbers for each office, clinic or other setting where any service is performed, supervised or directed by a licensed doctor of chiropractic according to R4-7-1401(A) and this Chapter.
 4. The non-refundable application fee of \$400.00.
 5. The name and license number of each doctor of chiropractic employed with, contracted with, or otherwise affiliated with the business entity according to R4-7-1401(A) and this Chapter.
 6. A completed fingerprint card for each owner, officer and director.
 7. Copies of any and all contracts or any other agreement between the business entity and the doctor of chiropractic, to include employment or franchise contracts, agreements or equivalent.
 8. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, and any record of an arrest, investigation, indictment, or unconcluded charge.
 9. Any record of an owner, officer or director being refused a license to practice chiropractic or any other profession in this or any other jurisdiction, and any record of a disciplinary action taken against an owner, officer or director's license in this or any other jurisdiction.
 10. The social security number for each owner, officer, or director.
 11. A government issued photo identification confirming U.S. citizenship or legal presence in the United States for each owner, officer or director, or if those individuals reside outside of the United States, confirmation of legal authority to operate a business in the United States.
 12. A copy of the written protocol required by A.R.S. § 32-

934(G).

13. The name, phone number and address for a contact person.
14. A notarized signature for each owner, officer or director attesting to the truthfulness of the information provided by

the applicants. A stamped signature will not be accepted for the purposes of completing the application.

- D. Within 25 business days of receiving a business entity registration application package, the Board shall notify the applicant in writing that the package is either complete or incomplete. If the package is incomplete, the notice shall specify the information that is missing.
- E. An applicant with an incomplete business entity registration application package shall supply the missing information within 30 calendar days from the date of the notice. An applicant who is unable to supply the missing information within 30 calendar days may submit a written request to the Board for an extension of time in which to provide a complete application package. The request for an extension of time shall be submitted to the Board office before the 30-day deadline for submission of a complete application package, and shall state the reason that the applicant is unable to comply with the 30-day requirement and the amount of additional time requested. The Board shall grant a request for an extension of time if the Board finds that the reason the applicant was unable to comply with the 30-day requirement was due to circumstances beyond the applicant's control and that compliance can reasonably be expected to be remedied during the extension of time.
- F. If an applicant fails to submit a complete business entity registration application package within the time permitted, the Board shall close the applicant's file and send a notice to the applicant by U.S. Mail that the application file has been closed. An applicant whose file has been closed and who later wishes to become registered shall reapply under R4-7-1401 and R4-7-1403.
- G. After timely receipt of all missing information as specified in subsection (E), the Board shall notify the applicant that the application package is complete.
- H. The Board shall render a decision no later than 120 business days after receiving a completed registration application package. The Board shall deem a registration application package to be complete on the postmarked date of the notice advising the applicant that the package is complete.
- I. The Board shall approve the registration for a business entity that meets all of the following requirements:
 1. Timely submits a complete application.
 2. The Board does not find grounds to deny the application under R4-7-1401 (D).
 2. The business entity has complied with the requirements of this Chapter and A.R.S. § 32-900 et. seq.
 3. Pays the original business entity prorated renewal fee of \$17.00 per month from the first day of the month the business entity is registered through May 31 plus \$25.00 for each duplicate license issued by the Board for the purpose of compliance with R4-7-1402.
- J. An applicant shall reapply for registration if the applicant does not pay the prorated registration fee within 3 months after having been notified by the Board that the applicant is eligible to receive an approved registration.
- K. For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for initial registration:
 1. Administrative completeness review time-frame: 25 business

days.

2. Substantive review time-frame: 120 business days.
3. Overall time-frame: 145 business days.

R4-7-1404. Business Entity Registration Renewal: Issuance, Reinstatement

- A. A business entity registration expires on May 31 of each year.
- B. At least 30 days before a renewal application and renewal fee are due; the executive director of the Board shall send a business entity a renewal application and notice by first class mail to its address of record for the business entity contact person.
- C. The business entity registration renewal application shall be returned to the Board office on a business day. The Board shall deem the business entity registration renewal application package received on the date that the Board stamps on the package as the date the package is delivered to the Board office;
- D. To complete a registration renewal application, a business entity shall provide the following information and documentation:
 1. The name of the business entity.
 2. The current addresses, phone numbers, and fax numbers for each facility requiring registration under this Chapter.
 3. Notice of any change of owners, officers or directors, to include any additions and/or deletions with the date of the change for each individual, and notice of any change in home address, office address and phone numbers for owners, officers or directors with the date of the change for each individual.
 4. The name and license number of each doctor of chiropractic employed with, contracted with, or otherwise affiliated with the business entity according to R4-7-1401(A), to include any affiliation through a franchise.
 5. The record of any professional disciplinary investigation or action taken against an owner, officer or director in this or any other jurisdiction within the last 12 months.
 6. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, within the last 12 months and any record of an arrest, investigation, indictment or unconcluded charge within the last 12 months.
 7. A statement attesting that the contract or any other form of agreement with the doctors of chiropractic has not changed, or if the contract or agreement has changed, a copy of any new or amended contract or agreement.
 8. Report any change in the status of the business entity's license or permit to own and operate a business in the State of Arizona.
 9. The renewal fee of \$200.00 plus a \$25.00 fee for each duplicate Board issued renewal certificate for the purpose of compliance with R4-7-1402. A business entity applying for renewal for the first time shall pay a prorated fee according to A.R.S. § 32-934(C).
 10. The name, address, phone number, fax number and email for a contact person.
 11. The original signature of the delegated contact person attesting to the truthfulness of the information provided by

the business entity. All owners, officers or directors also remain responsible for the accuracy and truthfulness of the application. A stamped signature will not be accepted for the purpose of a complete application.

- E. A business entity registration shall automatically expire if the business entity does not submit a completed application

for renewal, the renewal fee and the fee for duplicate renewal certificates for the purpose of complying with R4-71402 before June 1 of each registration period. The Board shall send written notice to the business entity that its registration has expired on or before June 20. A business entity shall not use the services of a licensed doctor of chiropractic according to R4-7-1401(A) if the business entity's registration has expired.

- F. The Board shall reinstate an expired business entity registration if the business entity pays the annual renewal fee, the additional fee for duplicate certificates for the purpose of compliance with R4-7-1402, pays an additional non-refundable late fee of \$200.00 as required by A.R.S. § 32-934(C), and submits a completed renewal application between June 1, and June 30 of the registration period for which the business entity registration renewal is made .
- G. On or after July 1 of the registration period for which a renewal application was to be made, a business entity that wishes to have an expired registration reinstated shall apply in accordance with subsection (L).
- H. If the business entity fails to timely submit a complete business entity reinstatement application within 6 months of the date the registration expired, the business entity's registration shall lapse. "Lapse" means that the business entity is no longer registered and cannot offer services per this Chapter.
- I. A business entity that has had a registration lapse and that later wishes to become registered must apply as a new candidate pursuant to R4-7-1401 and R4-7-1403.
- J. An application for reinstatement of business entity registration may be obtained from the Board office on business days or by requesting that the Board send one to an address specified by the applicant.
- K. A completed application for reinstatement of a business entity registration shall be submitted to the Board office on a business day. The Board shall deem an application for reinstatement of a business entity registration received on the date that the Board stamps on the application as the date it is delivered to the Board office.
- L. To complete an application for reinstatement of a registration, a business entity shall provide the following information and documentation:
 1. The business entity's name and expired registration number.
 2. The current addresses, phone numbers, and fax numbers for each facility requiring registration under this Chapter.
 3. The names, home addresses, office addresses and phone numbers for each owner, officer or director.
 4. The name and license number of each doctor of chiropractic employed with, contracted with or otherwise affiliated with the business entity according to R4-7-1401(A) and this Chapter, to include franchises.
 5. The record of any professional disciplinary investigation or action taken against an owner, officer or director in this or any other jurisdiction.
 6. Any record of an owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a

misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, within the last 12 months and any record of an arrest, investigation, indictment, or charge within the last 12 months.

7. A statement attesting that the contract or other agreement with the doctors of chiropractic has not changed, or if the contract or agreement has changed, a copy of the new or amended contract or agreement.
8. Report any change in the status of the business entity's license or other permit to own and operate a business in the State of Arizona.
9. The non-refundable renewal fee of \$200.00 and a \$25.00 fee for each Board issued duplicate renewal certificate for the purpose of compliance with R4-7-1402.
10. The non-refundable late fee of \$200.00.
11. The name, phone number, fax number and email for a contact person.
12. The original signature of the delegated contact attesting to the truthfulness of the information provided by the business entity. All owners, officers or directors also remain responsible for the accuracy and truthfulness of on application. A stamped signature will not be accepted for the purpose of completing an application.
- M. The Board shall process a business entity registration reinstatement application in accordance with R4-7-1403(D) through (G).
- N. The Board shall reinstate or renew a business entity registration if:
 1. The business entity has timely submitted a complete application and paid all fees.
 2. The business entity has complied with the requirements of this Chapter and A.R.S. § 32-900 et seq.
 3. The Board does not find grounds to deny the application under R4-7-1401 (D).
 4. The business holds a current business license or other permit to own and operate the business in the State of Arizona.
- O. If the provisions of subsection (N) are satisfied, the Board shall issue a business registration renewal certificate. The renewal certificate shall serve as notice that the renewal application is complete and approved.
- P. The Board shall make a decision no later than 70 business days after receiving all required documentation as specified in subsection (N). The Board shall deem required documentation received on the date that the Board stamps on the documentation as the date the documentation is delivered to the Board's office.
- Q. For the purpose of A.R.S. § 41-1073, the Board establishes the following time-frames for registration renewal or reinstatement of registration:
 1. Administrative completeness review time-frame: 25 business days.
 2. Substantive review time-frame: 70 business days.
 3. Overall time-frame: 95 business days.

R4-7-1405. Business Entity Registration: Denial

If the Board denies a business entity registration, the Board shall send the applicant written notice explaining:

1. The reason for denial, with citations to supporting statutes or rules;

2. The applicant's right to seek a fair hearing to challenge the denial;
3. The time periods for appealing the denial; and,
4. The right to request a settlement conference with the Board's authorized agent.

R4-7-1406. Reporting; Civil Penalty

- A. A business entity that reports a change to any owner, officer or director pursuant to A.R.S. § 32-934 (D) (2) shall include the following:
 1. Any record of the new owner, officer or director being convicted of, pleading guilty to, or pleading nolo contendere to a misdemeanor or a felony, even if the record of the conviction or plea was sealed or expunged or the conviction was set aside or forgiven, and any record of an arrest, investigation, indictment, or unconcluded charge.
 2. Any record of a new owner, officer or director being refused a license to practice chiropractic or any other profession in this or any other jurisdiction, and any record of a disciplinary action taken against the new owner, officer or director's license in this or any other jurisdiction.
- B. A business entity that fails to comply with A.R.S. § 32-934(D) shall pay to the Board a non-refundable civil penalty of \$100.00 for each violation. If the business entity fails to pay the civil penalty within thirty days, the business entity shall within 15 days pay an increased civil penalty of one \$150.00 for each violation.

R4-7-1407. Licensed Doctors of Chiropractic and Business Entities, Unprofessional Conduct

- A. Nothing in this Section shall be construed to exempt a licensed doctor of chiropractic from complying with this Chapter.
- B. The following are grounds for disciplinary action under A.R.S. § 32-924(A) and R4-7-902 for a licensed doctor of chiropractic who:
 1. Performs any service according to R4-7-1401(A) for a business entity in the State of Arizona that is not registered per this Chapter, and/or;
 2. Enters into an agreement of any nature with a business entity to engage in any activity that violates A.R.S. § 32-924(A), R4-7-901 or R4-7-902 or any provision of this Chapter, and/or;
 3. Fails to report in writing to the Board any knowledge of a business entity that fails to register with this Board under this Chapter or a business entity that violates any provisions of this Chapter.

R4-7-1408. Exemptions

A chiropractic assistant does not hold a license and is not exempt from A.R.S. § 32-934 or this Article.

Historical Note

Adopted effective October 4, 2014.